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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Motorola Inc
Personal Communications Sector
Intellectual Property Department (PJB)
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EXAMINER

PERSINO, RAYMOND B

ART UNIT PAPER NUMBER

2682

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/504,135

Applicant(s)

NUM PISUTHA-ARNOND ET AL.

Examiner

Raymond B. Persino

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26,28-35 and 37-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26,28-35 and 37-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 February 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 35, 37-42 and 44-48 are rejected under 35 U.S.C. 102(b) as being anticipated by ICHIKAWA et al (US 4,626,842 A).

Regarding claim 35, ICHIKAWA et al discloses message alert system for a communication device (all elements of figure 1) wherein the communication device comprises a processor (element 4 of figure 1 and column 2 lines 42-46) and a display (element 8 of figure 1) for displaying information, comprising: a computer-readable medium (element 401 of figure 3); and a routine stored in the computer-readable medium and configured for execution by the processor, the routine comprising: a first routine that receives a message comprising the information (column 3 lines 62-67); a second routine that analyzes the message to determine a size thereof (column 4 lines 8-32), and further analyzes the message to determine whether the message is of a message type for which the third routine is executed (column 3 line 62 to column 4 line 32, This is read as when the message is limited to 10 digits); a third routine that generates a display item for the message in accordance with the size thereof (column 5 lines 11-57), if the message is of the type for which the third routine is executed.

Regarding claim 37, see the rejection of the parent claim concerning the subject matter this claim depends from. ICHIKAWA et al further discloses an initialization routine that specifies the message type (based on number of digits) for which the third routine is executed (column 3 line 62 to column 4 line 32).

Regarding claim 38, see the rejection of the parent claim concerning the subject matter this claim depends from. ICHIKAWA et al further discloses that the generated display item comprises a reproduction of the message when the second routine determines that the size of the message is less than a predetermined size (column 3 line 62 to column 4 line 32).

Regarding claim 39, see the rejection of the parent claim concerning the subject matter this claim depends from. ICHIKAWA et al further discloses the generated display item comprises a reproduction of the message when the second routine determines that the size of the message is greater than a predetermined size; and the routine comprises a fourth routine that provides the generated display item to the display for a predetermined time (column 3 line 62 to column 4 line 32).

Regarding claim 40, see the rejection of the parent claim concerning the subject matter this claim depends from. ICHIKAWA et al further discloses that the routine comprises a fifth routine that generates a further display item that comprises a portion of the message when the second routine determines that the size of the message is greater than a predetermined size; and the routine comprises a sixth routine that provides the further display item to the display after the predetermined time has elapsed (column 3 line 62 to column 4 line 32).

Regarding claim 41, see the rejection of the parent claim concerning the subject matter this claim depends from. ICHIKAWA et al further discloses that the message is transmitted to the communication device via a network; and the network is a broadcast network (column 2 line 27 to column 4 line 32).

Regarding claim 42, ICHIKAWA et al discloses a method of controlling a communication device (all elements of figure 1) having a display (element 8 of figure 1) for displaying information, the method comprising the steps of: receiving a message comprising the information (column 3 lines 62-67); analyzing the message to determine a size thereof (column 4 lines 8-32), and further analyzing the message to determine whether the message is of a message type for which the generating step is executed (column 3 line 62 to column 4 line 32, this is read as when the message is limited to 10 digits); and generating a display item for the message in accordance with the size thereof (column 5 lines 11-57), if the message is of the type for which the generating step is executed.

Regarding claim 43, see the rejection of the parent claim concerning the subject matter this claim depends from. ICHIKAWA et al further discloses analyzing the message to determine whether the message is of a message type for which the generating step is executed (column 3 line 62 to column 4 line 32). This is read as when the message is limited to 10 digits.

Regarding claim 44, see the rejection of the parent claim concerning the subject matter this claim depends from. ICHIKAWA et al further discloses an initialization routine that specifies the message type (based on number of digits) for which the third routine is executed (column 3 line 62 to column 4 line 32).

Regarding claim 45, see the rejection of the parent claim concerning the subject matter this claim depends from. ICHIKAWA et al further discloses that the generated display item comprises a reproduction of the message when the second routine determines that the size of the message is less than a predetermined size (column 3 line 62 to column 4 line 32).

Regarding claim 46, see the rejection of the parent claim concerning the subject matter this claim depends from. ICHIKAWA et al further discloses the generated display item comprises a reproduction of the message when the second routine determines that the size of the message is greater than a predetermined size; and the routine comprises a fourth routine that provides the generated display item to the display for a predetermined time (column 3 line 62 to column 4 line 32).

Regarding claim 47, see the rejection of the parent claim concerning the subject matter this claim depends from. ICHIKAWA et al further discloses that the routine comprises a fifth routine that generates a further display item that comprises a portion of the message when the second routine determines that the size of the message is greater than a predetermined size; and the routine comprises a sixth routine that provides the further display item to the display after the predetermined time has elapsed (column 3 line 62 to column 4 line 32).

Regarding claim 48, see the rejection of the parent claim concerning the subject matter this claim depends from. ICHIKAWA et al further discloses that the message is transmitted to the communication device via a broadcast network (column 2 line 27 to column 4 line 32).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7, 12, 15-20 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over WAGNER et al (US 6,169,911 B1) in view of O'NEAL (US 6,411,685 B1) and in the alternative, LIZZI (US 6,629,772 B1).

Regarding claim 1, WAGNER et al discloses a message alert system for a communication device (1 of figure 4) wherein the communication device comprises a display (4 of figure 4) and a processor (20 of figure 2), the message alert system comprising: a computer-readable medium (21 of figure 2); and a routine stored in the computer-readable medium and configured for execution by the processor, the routine comprising: a first routine that receives a message having a message type; and a second routine that generates a display item for the display of the communication device in accordance with the message type such that the display item comprises information indicative of the message type of the received message (column 3 lines 53 to column 4 line 2 and column 4 line 52 to column 6 line 46). However, WAGNER et al does not explicitly disclose that the display item comprises information indicative of whether further messages of the message type have been received by the communication device. O'NEAL discloses display items that comprise information

indicative of the message type of the received message whether further messages of the message type have been received (figure 9). In the alternative, LIZZI discloses display items that comprise information indicative of whether further messages of the message type have been received (42 of figure 2). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made for WAGNER et al to be enhanced by O'NEAL. Providing the display items per O'Neal or LIZZI adds the benefit of quickly knowing how many further messages of the message type have been received.

Regarding claim 2, see the rejection of the parent claim concerning the subject matter this claim depends from. WAGNER et al further discloses a display item that provides for execution of a task in light of the received message (see figure 4 and column 6 lines 20-46

Regarding claim 3, see the rejection of the parent claim concerning the subject matter this claim depends from. WAGNER et al further discloses that the task comprises one of reading a text message, playing an answering machine message, contacting a voice mail system and closing the display item (see figure 4 and column 6 lines 20-46).

Regarding claim 4, see the rejection of the parent claim concerning the subject matter this claim depends from. O'NEAL further discloses a routine that determines whether further messages of the message type have been reviewed by a user (see figure 9). In the alternative, LIZZI discloses a routine that determines whether further

messages of the message type have been reviewed by a user (see figure 2 and column 4 lines 4-60).

Regarding claim 5, see the rejection of the parent claim concerning the subject matter this claim depends from. O'NEAL further discloses that the information of the display item includes an indication of a total number of unreviewed messages of the message type (see figure 9). In the alternative, LIZZI further discloses that the information of the display item includes an indication of a total number of unreviewed messages of the message type (see figure 2 and column 4 lines 4-60).

Regarding claim 6, see the rejection of the parent claim concerning the subject matter this claim depends from. WAGNER et al further discloses that the communication device that resides in one of a plurality of operating modes; and a routine that provides the generated display item to the display of the communication device conditioned upon a current operating mode of the plurality of operating modes (column 4 line 34 to column 46).

Regarding claim 7, see the rejection of the parent claim concerning the subject matter this claim depends from. WAGNER et al further discloses that the plurality of operating modes comprises a message viewing mode; and the third routine provides the generated display item to the display of the communication device once the communication device leaves the message viewing mode (column 4 line 34 to column 46).

Regarding claim 12, see the rejection of the parent claim concerning the subject matter this claim depends from. WAGNER et al further discloses that the information of

the display item comprises one of a reproduction of a portion of the received message and a reproduction of the received message (figure 4).

Regarding claim 15, see the rejection of the parent claim concerning the subject matter this claim depends from. WAGNER et al further discloses that the display comprises a window in which the information is displayed (figure 4).

Regarding claim 16, WAGNER et al discloses a method for providing message alerts in a communication device (1 of figure 4) having a display (4 of figure 4), the method comprising the steps of: receiving a message having a message type; and generating a display item such that the display item comprises information in accordance with the message type of the received message such that the information is indicative of the message type of the received message (column 3 lines 53 to column 4 line 2 and column 4 line 52 to column 6 line 46). However, WAGNER et al does not explicitly disclose that that the display item comprises information indicative of whether further messages of the message type have been received by the communication device. O'NEAL discloses display items that comprise information indicative of the message type of the received message whether further messages of the message type have been received (figure 9). In the alternative, LIZZI discloses display items that comprise information indicative of whether further messages of the message type have been received (42 of figure 2). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made for WAGNER et al to be enhanced by O'NEAL. Providing the display items per O'Neal or LIZZI adds the benefit

of quickly knowing how many further messages of the message type have been received.

Regarding claim 17, see the rejection of the parent claim concerning the subject matter this claim depends from. WAGNER et al further discloses displaying the generated display item on the display such that the information of the display item directs a user to initiate a task in light of the received message (see figure 4 and column 6 lines 20-46).

Regarding claim 18, see the rejection of the parent claim concerning the subject matter this claim depends from. O'NEAL further discloses determining whether the further messages of the message type have been reviewed by a user (figure 9). In the alternative, LIZZI discloses determining whether the further messages of the message type have been reviewed by a user (see figure 2 and column 4 lines 4-60).

Regarding claim 19, see the rejection of the parent claim concerning the subject matter this claim depends from. O'NEAL further discloses that the information of the display item includes an indication of a total number of unreviewed messages of the message type (figure 9). LIZZI discloses that the information of the display item includes an indication of a total number of unreviewed messages of the message type (see figure 2 and column 4 lines 4-60).

Regarding claim 20, see the rejection of the parent claim concerning the subject matter this claim depends from. WAGNER et al further discloses displaying the generated display item conditioned upon an operating mode of the communication device. (column 4 line 34 to column 46).

Regarding claim 24, see the rejection of the parent claim concerning the subject matter this claim depends from. WAGNER et al further discloses that the information of the display item comprises a portion of the received message (see figure 4).

5. Claims 8, 9, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over WAGNER et al (US 6,169,911 B1) in view of O'NEAL (US 6,411,685 B1) and in the alternative, LIZZI (US 6,629,772 B1) and further in view of SCHROEDER et al (US 5,797,098 A).

Regarding claim 8, see the rejection of the parent claim concerning the subject matter this claim depends from. However, neither WAGNER et al, O'NEAL nor LIZZI disclose that the routine further comprises an alert routine that generates one of a plurality of alerts in connection with receipt of the message. SCHROEDER et al discloses that the routine further comprises an alert routine that generates one of a plurality of alerts in connection with receipt of the message (column 8 lines 21-42). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have a plurality of alerts in connection with receipt of the message. This is beneficial in that it allows for a given alert to be used for a given type of message which allows a user to more quickly know what type of message has been received.

Regarding claim 9, see the rejection of the parent claim concerning the subject matter this claim depends from. SCHROEDER et al further discloses that the routine further comprises an alert customization routine that provides for selecting one of the plurality of alerts for each message type, respectively (column 8 lines 21-42).

Regarding claim 21, see the rejection of the parent claim concerning the subject matter this claim depends from. However, neither WAGNER et al, O'NEAL nor LIZZI disclose producing an alert in connection with receipt of the message. SCHROEDER et al discloses producing an alert in connection with receipt of the message (column 8 lines 21-42). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have a plurality of alerts in connection with receipt of the message. This is beneficial in that it allows for a given alert to be used for a given type of message which allows a user to more quickly know what type of message has been received.

Regarding claim 22, see the rejection of the parent claim concerning the subject matter this claim depends from. SCHROEDER et al I further discloses selecting a respective alert of a plurality of message alerts for each message type (column 8 lines 21-42).

6. Claims 10, 11 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over WAGNER et al (US 6,169,911 B1) in view of O'NEAL (US 6,411,685 B1) and in the alternative, LIZZI (US 6,629,772 B1) and further in view of DORENBOSCH et al (US 6,420,960 B1) and LIZZI et al (US 6,323,783 B1).

Regarding claim 10, see the rejection of the parent claim concerning the subject matter this claim depends from. However, neither WAGNER et al, O'NEAL nor LIZZI disclose that the communication device comprises a memory having a memory capacity; the routine further comprises a memory check routine that determines whether the received message results in memory utilization that exceeds a predetermined

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amount of the memory capacity; and the information of the display item comprises a notification that the predetermined amount of the memory capacity has been exceeded. DORENBOSCH et al discloses that the communication device (element 122 of figure 3) comprises a memory (element 318 of figure 3) having a memory capacity; the routine further comprises a memory check routine that determines whether the received message results in memory utilization that exceeds a predetermined amount of the memory capacity (elements 508/510 of figure 6); and the information of the alert comprises a notification that the predetermined amount of the memory capacity has been exceeded (elements 516 of figure 6). However, DORENBOSCH et al does not disclose that the alert is a display item. LIZZI et al discloses that it is known for an alert regarding the status of the memory to be a display item (column 5 lines 7-14).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to determine if and to notify a user that a received message would exceed a predetermined amount of the memory capacity. This would allow the user of the device to either save the messages already in memory or delete one or more of the messages in memory and store the new message. The benefit of this is that it gives the user the choice of how to handle the situation of when the memory capacity is exceeded by a received message. Moreover, it would have been obvious to a person of ordinary skill in the art at the time the invention was made for the alert to be made on a display. This allows the user to know exactly what the meaning of the alert is without having to be familiar with the functionality of the wireless device.

Regarding claim 11, see the rejection of the parent claim concerning the subject matter this claim depends from. DORENBOSCH et al further discloses that the memory check routine further determines whether the received message can be stored in the memory (elements 508/510 of figure 6); the display item provides for accessing stored messages in the memory when the received message cannot be stored in the memory (elements 516 of figure 6).

Regarding claim 23, see the rejection of the parent claim concerning the subject matter this claim depends from. However, neither WAGNER et al, O'NEAL nor LIZZI disclose that the communication device comprises a memory having a memory capacity such that the method further comprises the steps of: determining whether the received message results in memory utilization that exceeds a predetermined amount of the memory capacity; and generating further information for the display item comprising a notification that the predetermined amount of the memory capacity has been exceeded. DORENBOSCH et al discloses that the communication device (element 122 of figure 3) comprises a memory having a memory capacity such that the method further comprises the steps of: determining whether the received message results in memory utilization that exceeds a predetermined amount of the memory capacity (elements 508/510 of figure 6); and generating further information for the alert comprising a notification that the predetermined amount of the memory capacity has been exceeded (elements 516 of figure 6). However, DORENBOSCH et al does not disclose that the alert is a display item. LIZZI et al discloses that it is known for an alert regarding the status of the memory to be a display item (column 5 lines 7-14). Therefore it would have been

obvious to a person of ordinary skill in the art at the time the invention was made to determine if and to notify a user that a received message would exceed a predetermined amount of the memory capacity. This would allow the user of the device to either save the messages already in memory or delete one or more of the messages in memory and store the new message. The benefit of this is that it gives the user the choice of how to handle the situation of when the memory capacity is exceeded by a received message. Moreover, it would have been obvious to a person of ordinary skill in the art at the time the invention was made for the alert to be made on a display. This allows the user to know exactly what the meaning of the alert is without having to be familiar with the functionality of the wireless device.

7. Claims 13, 14 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over WAGNER et al (US 6,169,911 B1) in view of O'NEAL (US 6,411,685 B1) and in the alternative, LIZZI (US 6,629,772 B1) and further in view of in view of SCHROEDER et al (US 5,797,098 A) and NADIR et al (US 4,701,759 A).

Regarding claim s 13, 14 and 25, see the rejection of the parent claim concerning the subject matter this claim depends from. However, neither WAGNER et al, O'NEAL nor LIZZI discloses that that the routine further comprises a reminder routine that generates a reminder display item for the received message in accordance with the message type and that the reminder is selectable by the user. SCHROEDER et al discloses different alerts based upon different types of messages (column 8 lines 21-42). NADIR et al discloses reminder alerts are some time has passed (abstract). Therefore it would have been obvious to a person of ordinary skill in the art at the time

the invention was made for the routine to further comprise a reminder routine that generates a reminder display item for the received message in accordance with the message type and that the reminder is selectable by the user. This is beneficial in that it allows for a given alert to be used for a given type of message which allows a user to more quickly know what type of message he/she is being reminded of.

8. Claims 26, 28-30 and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over DORENBOSCH et al (US 6,420,960 B1) in view of LIZZI et al (US 6,323,783 B1) in view of WAGNER et al (US 6,169,911 B1)

Regarding claim 26, DORENBOSCH et al discloses a communication device (element 122 of figure 3) for receiving a message, comprising: a display (element 324 of figure 3); a processor (element 310/316 of figure 3); a memory (element 318 of figure 3) having a memory capacity; and a routine configured for execution by the processor, the routine comprising: a first routine that receives data in connection with the message (element 502 of figure 6); a second routine that determines from the data whether storing the message in the memory would result in exceeding a predetermined amount of the memory capacity (column 5 lines 43-51); and a third routine that generates an alert wherein the alert comprises a notification regarding the memory when storing the message in the memory would result in exceeding the predetermined amount of the memory capacity (column 6 lines 1-14). However, DORENBOSCH et al does not disclose that the alert is a display item. LIZZI et al discloses that it is known for an alert regarding the status of the memory to be a display item (column 5 lines 7-14). Moreover, DORENBOSCH et al does not disclose that the message has a message

type; and the display item further comprises information indicative of the message type of the message. WAGNER et al discloses that the message has a message type; and the display item further comprises information indicative of the message type of the message (column 4 line 52 to column 6 line 46). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made for the alert to be made on a display and for the message to have a message type; and the display item further comprises information indicative of the message type of the message. This allows the user to know exactly what the meaning of the alert is without having to be familiar with the functionality of the wireless device. Moreover, informing the user of the type of the message allows the user to either save or allow to be deleted the messages, depending upon the type of message.

Regarding claim 28, see the rejection of the parent claim concerning the subject matter this claim depends from. WAGNER et al further discloses that the information of the display item is further indicative of one of whether further messages of the message type have been received (column 4 line 52 to column 6 line 46).

Regarding claim 29, see the rejection of the parent claim concerning the subject matter this claim depends from. DORENBOSCH et al further discloses that the data is indicative of the message (element 502 of figure 6).

Regarding claim 30, see the rejection of the parent claim concerning the subject matter this claim depends from. DORENBOSCH et al further discloses that the second routine further determines whether the memory is at the memory capacity (elements 508/510 of figure 6; the alert comprises a memory full notification when the memory is

at the memory capacity and provides for accessing items stored in the memory (element 516 of figure 6). However, DORENBOSCH et al does not disclose that the alert is a display item. LIZZI et al discloses that it is known for an alert regarding the status of the memory to be a display item (column 5 lines 7-14).

Regarding claim 32, DORENBOSCH et al discloses a method of controlling a communication device (element 122 of figure 3) having a display (element 324 of figure 3), a processor (element 310/316 of figure 3), and a memory (element 318 of figure 3) having a memory capacity wherein the communication device is capable of receiving a message, the method comprising the steps of: receiving data in connection with the message (element 502 of figure 6); analyzing the data to determine whether storing the message would result in exceeding a predetermined amount of the memory capacity (column 5 lines 43-51); and generating an alert wherein the alert comprises a notification regarding the memory when storing the message in the memory would result in exceeding the predetermined amount of the memory capacity (column 6 lines 1-14). However, DORENBOSCH et al does not disclose that the alert is a display item. LIZZI et al discloses that it is known for an alert regarding the status of the memory to be a display item (column 5 lines 7-14). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made for the alert to be made on a display. This allows the user to know exactly what the meaning of the alert is without having to be familiar with the functionality of the wireless device.

Regarding claim 33, see the rejection of the parent claim concerning the subject matter this claim depends from. DORENBOSCH et al further discloses that the data is indicative of the message (element 502 of figure 6).

Regarding claim 34, see the rejection of the parent claim concerning the subject matter this claim depends from. DORENBOSCH et al further discloses that the second routine further determines whether the memory is at the memory capacity (elements 508/510 of figure 6; the alert comprises a memory full notification when the memory is at the memory capacity and provides for accessing items stored in the memory (element 516 of figure 6). However, DORENBOSCH et al does not disclose that the alert is a display item. LIZZI et al discloses that it is known for an alert regarding the status of the memory to be a display item (column 5 lines 7-14).

9. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over DORENBOSCH et al (US 6,420,960 B1) and LIZZI et al (US 6,323,783 B1) in view of OLIWA et al (US 4,868,560 A).

Regarding claim 31, see the rejection of the parent claim concerning the subject matter this claim depends from. DORENBOSCH et al further discloses that the message is transmitted via a network to the communication device (element 518 of figure 6) and determining that the memory is not at the memory capacity (element 508/510 of figure 6). However, neither DORENBOSCH et al nor LIZZI et al disclose transmitting a command signal to the network to initiate transmission of the message. OLIWA et al discloses transmitting a command signal to the network to initiate transmission of the message (abstract). Therefore it would have been obvious to a

person or ordinary skill in the art at the time the invention was made to transmit a command signal to the network to initiate transmission of the message. This allows only messages that are capable of being stored in memory to be sent, thus preventing lost messages.

Response to Arguments

10. Applicant's arguments filed 7/7/2004 have been fully considered but they are not persuasive. The applicant argues that a message size cannot be a criteria for message type. However, the examiner disagrees as the language of the claims regarding the second routine do not preclude messages over a certain size to being one type with messages under a certain size being another type. For example, it is within the language of claim 35 for the second routine to determine the size of a message and then determine the message type based upon the determined size. Moreover, the limitation of the "third routine" adds generating a display item based on the size when the message is of a type (size) for which the third routine is executed. Thus once again, the language of the claim does not preclude a message type based upon message size. Since the prior art reads on the claims if a message type is based upon message size, the examiner is maintaining the rejections.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

PANDHARIPANDE (US 6,529,500 B1)

LUZESKI et al (US 6,301,245 B1)

COHEN et al (US 4,837,798 A)

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond B. Persino whose telephone number is (703) 308-7528. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian C. Chin can be reached on (703) 308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2682

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Raymond B. Persino *KP*
Examiner
Art Unit 2682

RP

[Signature]
9/26/04
LESTER G. KINCAID
PRIMARY EXAMINER